

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:10CR3078
	)	
v.	)	
	)	MEMORANDUM AND ORDER
TIMOTHY LOWE FOLDEN,	)	
	)	
Defendant.	)	

The defendant has filed an unopposed motion to continue the pretrial motion deadline. Filing No. 23. Defense counsel explains additional time is needed to review the discovery received from the government. Based on the showing set forth in the defendant's motion, the court finds the motion should be granted.

IT IS ORDERED:

- 1) The defendant's unopposed motion to continue, (filing no. 23), is granted and the defendant's pretrial motions and briefs shall be filed on or before September 27, 2010.
- 2) The ends of justice will be served by granting defendant's motions to continue the pretrial motion deadline, and outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and September 27, 2010, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).
- 3) Trial of this case is continued pending resolution of any pretrial motions filed.

DATED this 27<sup>th</sup> day of August, 2010.

s/ Cheryl R. Zwart  
United States Magistrate Judge